United Nations A/58/271–S/2003/808

General Assembly
Security Council

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General Assembly
Fifty-eighth session
Items 38 and 158 of the provisional agenda*

The situation in the Middle East

Measures to eliminate international terrorism

Security Council
Fifty-eighth year

Identical letters dated 12 August 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

The Permanent Representative of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and to the President of the Security Council, and has the honour to transmit herewith a reply to the Israeli allegations contained in documents A/57/854-S/2003/800, dated 8 August 2003, and A/57/857-S/2003/806, dated 11 August 2003.

It would be appreciated if the text of the two identical letters were circulated as a document of the fifty-eighth session of the General Assembly, under items 38 and 158 of the provisional agenda, and of the Security Council.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

* A/58/150.

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Annex to the identical letters dated 12 August 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

The Permanent Mission of the Syrian Arab Republic wishes to provide the following clarification in reply to the Israeli allegations contained in documents S/2003/800, dated 8 August 2003, and S/2003/806, dated 11 August 2003. Those two documents are a total falsification and distortion of the facts and a pathetic attempt by Israel to justify its terrorism and its hostility towards the Lebanese people and its occupation of Arab territories.

Israel has continued its hostile attitude towards Lebanon and the Palestinian people and, in the last few days, has stepped up its military campaigns and its direct threats to commit further massacres against the Palestinian and Lebanese people. In the same context, Israel has also uttered threats against the Syrian Arab Republic in an attempt to exacerbate the situation in the Middle East region and to drive the security situation in the region to the point of collapse.

It has become clear to the international community that Israel, which has paralysed the peace process which began with the Madrid Conference in 1991 and has evaded implementation of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), has continued to occupy Arab territories since 1967 and has persisted in its aggressive policies in pursuit of its expansionist aims at the expense of the rights of the Arab people, whether in Syria, Lebanon or Palestine. It was Israel that put an end to six months of calm on both sides of the Blue Line in southern Lebanon by transferring the terrorist actions in which it had habitually engaged in the occupied Palestinian territories, in the form of assassinations, to the southern suburbs of Beirut, blowing up a vehicle and thereby murdering a member of the national resistance in Lebanon. This crime was the spark that led to the recent escalation of the situation in southern Lebanon.

There are inevitably questions concerning the true objectives of Israel underlying this dangerous escalation of the situation in which Syria and Lebanon have made every possible effort to calm matters down in southern Lebanon. However, the success of those efforts has been thwarted by the ongoing daily provocations by Israel against the sovereignty of Lebanon by both air and sea as stated in paragraph 3 of the most recent report of the Secretary-General issued on 23 July 2003 as document S/2003/728: "Israeli air incursions continued despite frequent calls by United Nations officials and a number of concerned Member States that Israel cease these violations". That is also confirmed by similar reports by representatives of the Secretary-General in the region as documented by the Security Council and the United Nations Secretariat.

In this context, one must recall the massacres committed by Israel against the Lebanese people throughout the 22 years of its occupation, the murders and the perpetration of all kinds of crimes including the incursion of its forces into the capital of Lebanon and the destruction wrought by bombs and missiles of all types over a period of more than 60 days.

It is important to point out that Israel's record in connection with respect for international legitimacy and the implementation of the related resolutions is by no means an honourable one: Israel has been defying the United Nations and its resolutions since 1948 and continues to do so. Resolution 191, concerning the State of Palestine, has remained a dead letter since the date of its adoption and General Assembly resolution 194 (III), on the right of return of the Palestinian refugees, have met with nothing but defiance and rejection on the part of Israel. Security Council resolutions 242 (1967) and 338 (1973), the objective of which is to achieve a just and comprehensive peace in the Middle East, are disputed by Israel and meet with every kind of distortion and abuse. That being so, it is possible for all States in the world to speak of international legitimacy and the implementation of Security Council resolutions, apart from Israel which has become a symbol of the violation of international legitimacy and the defiance of United Nations resolutions.

Israel's objective in bringing about a dangerous escalation in southern Lebanon is to divert the attention of the international community from its construction of a separation wall in the West Bank and its ongoing occupation of Arab territories, its construction of settlements there and the undermining of all the peace initiatives supported by the international community and aimed at the implementation of the relevant United Nations resolutions. All this has made Israel's aggressive policies and its occupation of Arab, Palestinian, Lebanese and Syrian territories a source of tension and violence in our region.

The only way out of this dangerous situation in the region is to break the cycle of violence by returning to international legitimacy and a commitment to the implementation of United Nations resolutions decreeing the withdrawal of Israel from Arab territories to the borders of 4 June 1967 and guaranteeing the legitimate rights of the Palestinian people, thereby making Israel solely responsible for perpetrating the situation. It is up to the international community to exert pressure on Israel to comply with its wishes and return to the peace process which began in Madrid in 1991 with a view to bringing about a comprehensive and just peace guaranteeing security and stability to all peoples of the region.

Finally, Syria wishes to state once more its commitment to the fundamentals of a just and comprehensive peace as provided for by the Madrid principles, the Arab peace initiative and the relevant resolutions of the United Nations. Syria has always been, and continues to be, opposed in both word and deed to international terrorism, has participated effectively in international cooperation to combat it and has saved many innocent lives in various parts of the world. Syria is honoured to be a member of the Security Council, to be presiding over it during the current month and to have done so with even-handedness and integrity in June last year, and reaffirms that it will pursue its efforts to calm down the situation, not only in southern Lebanon but in the region as a whole, because the interests of its people so require and on the basis that the security and stability of the region are central to the maintenance of international security and peace. However, this effort continues to be thwarted by the continuous occupation by Israel of Arab territories since 1967.

The Permanent Mission of the Syrian Arab Republic would be grateful if you would have the text of this letter and its annex circulated as a document of the fifty-eighth session of the General Assembly under items 38 (The situation in the Middle East) and 158 (Measures to eliminate international terrorism) of the provisional agenda, and of the Security Council.

United Nations A/57/858–S/2003/809

General Assembly
Security Council

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General Assembly
Fifty-seventh session
Agenda items 36 and 160

Security Council
Fifty-eighth year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 12 August 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I am writing to draw your attention to the latest acts of Palestinian terrorism perpetrated against the citizens of Israel.

Early this morning, 12 August, Palestinian terrorists killed 2 Israelis and wounded 13 other people in two separate attacks. The first attack was in Rosh Ha'ayin, a Tel Aviv suburb, and the second attack was in the West Bank settlement of Ariel.

This is the first terror attack to take place in Rosh Ha'ayin, which is just inside the Green Line. A homicide bomber activated an explosive device held in his backpack near the entrance to a pharmacy at approximately 9 a.m. He was able to enter the pharmacy, which is located in a small shopping centre, with the bomb despite the presence of a security guard at the centre. Yehezkiel Yekutieli, 43, was killed in the blast and 10 people were injured, 4 of them seriously. The explosion led to a fire, which burned down several surrounding stores in the centre.

The second bombing took place at a bus stop on the road heading from the West Bank settlement of Ariel toward Tel Aviv. A homicide bomber set off the bomb he had strapped to his body when he saw several young Israelis at the bus stop. Erez Hershkovitz, 18, was killed in this attack, which wounded two others seriously.

The Fatah's al-Aqsa Martyrs' Brigade claimed responsibility for the bombing in Rosh Ha'ayin, and Hamas claimed responsibility for the Ariel attack. These attacks follow the recent threats from Palestinian militant organizations that they would no longer hold the ceasefire, which they had agreed to on 29 June.

These latest terrorist attacks are merely another attempt by Palestinian terrorists to target Israeli citizens. The continuing threat of Palestinian terrorism, deliberately aimed at the citizens of Israel, underscores the absolute necessity of Israel's preventative security measures. Those who perpetrated the attacks are,

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however, the enemies not only of Israel, but also of the peace process and all members of the international community that are combating terrorism.

Israel holds the Palestinian leadership fully responsible for its failure to suppress the campaign of terrorism, which continues to endanger the lives of both the Israelis and the Palestinians. The attacks today reaffirm the urgent need for the Palestinian Authority to fulfil its commitments and disarm the terror organizations. Only once terrorism and incitement are fully and finally rejected as an acceptable tactic can we advance the peace process, which is the only means of achieving a genuine and lasting peace between the Israeli and Palestinian peoples.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism, which document the criminal terrorist strategy for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 36 and 160, and of the Security Council.

Dan **Gillerman**
Ambassador
Permanent Representative

United Nations S/2003/810

Security Council

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13 August 2003
English
Original: French

Letter dated 12 August 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

As Mr. Seydou Elimane Diarra, Prime Minister of the Government of National Reconciliation, informed the members of the Security Council at its 4793rd meeting on Friday, 25 July 2003, the Government of the Republic of Côte d'Ivoire, in implementation of the Linas-Marcoussis and Accra Agreements, introduced a bill in the National Assembly concerning amnesty for exiled soldiers and military personnel detained on charges of undermining State security.

I have the honour to inform you that, on Wednesday 6 August 2003, the Ivorian Government adopted the amnesty bill by 179 votes to 2, with 1 abstention.

Following the adoption of the bill, Mr. Laurent Gbagbo, President of the Republic, promulgated it on 8 August 2003.

The almost unanimous acceptance of the amnesty bill by the Ivorian parliamentarians clearly demonstrates the profound willingness of the people of Côte d'Ivoire to put a definitive end to the instability which has blighted the country since December 1999.

On instructions from my Government, I therefore have the honour to transmit to you herewith the document promulgating Act No. 2003-309 of 8 August 2003, granting amnesty, and to request the Security Council to take all necessary measures to encourage the return to Côte d'Ivoire of Ivorians living in the neighbouring countries or the West African subregion who fall within the scope of the Act.

I should be grateful if you would arrange for this letter and its annex, containing the document concerning the promulgation of Act No. 2003-309 of 8 August 2003, granting amnesty, to be circulated as documents of the Security Council.

(*Signed*) Philippe **Djangoné-Bi**
Ambassador
Permanent Representative

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Annex to the letter dated 12 August 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Act No. 2003-309 of 8 August 2003, granting amnesty

The National Assembly has adopted, and

The President of the Republic promulgates the following Act:

Article 1

This Amnesty Act has been adopted in the spirit of the peace agreements concluded following the crisis of 19 September 2002.

Chapter I
Scope

Article 2

Amnesty shall be granted as a matter of course in respect of offences committed against State security and national defence, regardless of their perpetrators, co-perpetrators or accomplices, whether military or civilian agents, and whatever their nature and the penalties incurred or liable to be incurred on account of their commission, in particular those offences provided for and penalized in articles 158 to 168 of the Penal Code, committed by Ivorian nationals on national territory or in exile during the events described in article 3.

Amnesty shall also be granted in respect of offences committed during the attempted coup d'état of 18 and 19 September 2002 and the ensuing armed rebellion, and in respect of military offences linked to all the events cited, namely, insubordination, post desertion and desertion.

Amnesty shall also be granted in respect of collateral damage caused by operations to defend republican institutions carried out by the defence and security forces.

Article 3

Amnesty shall be granted in respect of offences committed during the following events:

- 17 and 18 September 2000 (attack directed against State authority);
- 24, 25, 26 and 27 October 2000 (attack directed against State security and public order);
- 4 and 5 December 2000 (disturbance of public order);
- 7 and 8 January 2001 (attack directed against State authority and participation in armed gangs);
- 10 February 2001 (attack directed against State authority and unlawful possession of arms, organization of armed gangs);

– 18 and 19 September 2002 (attack directed against State authority, murder, participation in armed gangs).

Article 4

This Amnesty Act shall not apply to:

(a) Economic offences;

(b) Offences which constitute serious violations of human rights and international humanitarian law;

(c) Offences classified by the Ivorian Penal Code as crimes and offences against the law of nations, crimes and offences against individuals and crimes and offences against property, including those specific offences provided for and penalized in Act No. 88-650 of 7 July 1988, as amended by Act No. 89-521 of 11 May 1989, on the suppression of offences in the area of the marketing of agricultural produce and Act No. 94-497 of 6 September 1994 suppressing the unlawful export of agricultural produce;

(d) Offences described in articles 5 to 8 of the Rome Statute of the International Criminal Court and the African Charter of Human and People's Rights.

Chapter II
Consequences of amnesty

Article 5

Amnesty shall extinguish public right of action, annul all convictions and terminate all principal and complementary penalties. It shall not result in the reimbursement of fines and fees which have already been paid or the restitution of previously confiscated items.

Article 6

Criminal proceedings may not be instituted on account of acts covered by the amnesty which are discovered or revealed after the promulgation of this Act, except in the case of ongoing offences following the expiration of a two-month period.

Article 7

The relevant provisions of article 108 of the Penal Code shall remain applicable to all beneficiaries of this Amnesty Act, with the exception of the effect of the termination of proceedings and the annulment of disciplinary or professional convictions on the reinsertion and integration of persons granted amnesty.

Article 8

The examining magistrates and trial courts seized of cases falling within the scope of this Act shall instruct that all submissions related thereto be filed with the court office.

Article 9

Persons detained in the context of such proceedings shall be released in accordance with the applicable rules.

Persons convicted but not detained may not be forced to serve their sentences.

Proceedings relating to the matters covered by this Amnesty Act which have not yet been brought to court may no longer be pursued.

Chapter III
Compensation of victims

Article 10

In the interest of national reconciliation and national solidarity, the State shall ensure, through all relevant means, reparation for damages caused by the offences covered by this Amnesty Act.

The methods of compensation, reparation and rehabilitation shall be determined by the law.

Chapter IV
Miscellaneous provisions

Article 11

No magistrate or public official may list in an administrative file or a case file relating to legal proceedings such convictions, loss of rights or disciplinary measures as are covered by the amnesty.

Article 12

The Government shall draw up a list of persons affected by the amnesty and keep Parliament informed about the implementation of the peace agreements, particularly as regards the programme for the grouping, disarming and reintegration of combatants at designated sites and the completion of the country-wide redeployment of public administration.

Article 13

This Act shall be published in the Official Gazette of the Republic of Côte d'Ivoire and implemented as State law.

Done at Abidjan, on 8 August 2002.

Laurent Gbagbo

United Nations S/2003/811

Security Council

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Report of the Secretary-General concerning the credentials of the representative of Guinea on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 21 July 2003 by the President of the Republic of Guinea stating that Mr. Alpha Ibrahima Sow has been appointed representative of Guinea on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

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Security Council

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Angola, Bulgaria, Cameroon, Chile, Guinea, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, in particular resolution 1483 (2003) of 22 May 2003,

Reaffirming the sovereignty and territorial integrity of Iraq,

Reaffirming also the vital role for the United Nations in Iraq which was set out in relevant paragraphs of resolution 1483 (2003),

Having considered the report of the Secretary-General of 15 July 2003 (S/2003/715),

1. *Welcomes* the establishment of the broadly representative Governing Council of Iraq on 13 July 2003, as an important step towards the formation by the people of Iraq of an internationally recognized, representative government that will exercise the sovereignty of Iraq;

2. *Decides* to establish the United Nations Assistance Mission for Iraq to support the Secretary-General in the fulfilment of his mandate under resolution 1483 in accordance with the structure and responsibilities set out in his report of 15 July 2003, for an initial period of twelve months;

3. *Decides* to remain seized of this matter.

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Security Council

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Thirteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The present report provides a brief account of the relevant developments, including the activities of the High-level Coordinator, Yuli M. Vorontsov, since my last report on this subject (S/2003/419), submitted on 11 April 2003.

II. Background

2. On 11 April, the Information Minister of Kuwait, Sheikh Ahmed Fahed al-Sabah, announced to the Kuwait News Agency that a reward would be paid to anyone who disclosed information on the fate of Kuwaiti prisoners of war captured by Iraq during the first Gulf war in 1991.

3. On 19 April, the Deputy Prime Minister and Minister of the Interior, Sheikh Mohammed al-Khaled al-Sabah, stated that a team of Kuwaiti security officers was coordinating with coalition forces to search for Kuwaiti prisoners. Speaking at a press briefing on 9 May, General Tommy R. Franks, Commander-in-Chief of the United States Central Command, announced that coalition forces would continue to work tirelessly with the international community, Kuwait in particular, to locate missing personnel and citizens missing in Iraq since 1991.

4. On 17 May, *The New York Times* reported the discovery of a mass grave thought to contain the remains of Kuwaiti prisoners of war, unearthed in the Iraqi city of Habbaniyah, west of Baghdad. According to that newspaper report, a Kuwaiti team of forensic experts left for Habbaniyah soon afterwards to bring back some of the remains for DNA testing.

5. On 21 May at a press briefing in Kuwait, the Minister for Oil, Sheikh Ahmad Fahd al-Ahmad al-Sabah, reaffirmed the commitment of government authorities and grass-roots organizations to determining the fate of Kuwaiti missing persons and prisoners of war, in order to bring an end to Kuwait's national humanitarian tragedy.

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6. The special envoy to Iraq of the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, Member of Parliament Anne Clwyd, departed for Kuwait on 27 May to meet with senior government officials and local people to discuss, inter alia, the issue of the 605 missing Kuwaitis and third-country nationals whose fate remains unknown since the Gulf war in 1991.

7. At the thirtieth session of the Islamic Conference of Foreign Ministers, convened at Tehran from 28 to 30 May, a final communiqué was issued, in which the Conference called on the Iraqi people, the occupying forces and the United Nations to use all means to resolve the issue of Kuwaiti and third-country national missing persons within the framework of United Nations resolutions.

8. After a visit to Tehran on 15 June, the Deputy Prime Minister and Minister of the Interior of Kuwait indicated that members of the Committee to Search for Kuwaiti Missing Persons and Prisoners of War would meet with Iranian colleagues to exchange information and share expertise on this issue.

9. The spokesman for the Search and Investigations Committee for Kuwaiti Prisoners of War and Missing Persons, Fayez al-Anezi, said in a published statement on 16 June that 66 sets of remains, thought to be of Kuwaiti prisoners of war, had been found in Iraq and brought to Kuwait from a mass grave found the previous month at Samawa.

10. In a statement to the Kuwait News Agency on 8 July, following the 43rd meeting of the Technical Subcommittee in Kuwait on 6 July, the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Ibrahim Majed al-Shaheen, said that the Iraqi delegation had stated that the authorities were continuing their search for mass graves that may have included the remains of Kuwaiti prisoners of war.

11. On 29 July, *The New York Times* filed a report regarding a 40-acre cemetery near Zubayr, where, among others, 114 Kuwaitis from the Iraqi invasion of Kuwait in 1990 had been placed and later "mysteriously" removed.

12. On 4 August, the Chargé d'affaires of the Permanent Mission of Kuwait, Mansour al-Otaibi, reported that two additional sets of remains had been identified by Kuwaiti authorities as those of Ibjad Aloush al-Mutairi and Lafi Faihan Mohammad Laili al-Mutairi, bringing the total number of Kuwaiti remains to 13.

III. Recent activities

13. The High-level Coordinator held a meeting with the President of the Security Council, Ambassador Adolfo Aguilar Zinser of Mexico, on 23 April. The Coordinator expressed his view that the situation in Iraq was now favourable for intensifying efforts to search in earnest for the missing Kuwaitis and third-country nationals, including Captain Speicher.

14. On 24 April, the Coordinator briefed the Security Council on the repatriation of missing Kuwaitis and third-country nationals or their remains. In his briefing to the Council, he expressed the need for authorities exercising control in Iraq to establish bodies devoted to the problem of resolving the issue of Kuwaiti missing persons in order to implement paragraph 14 of resolution 1284 (1999).

15. The Security Council expressed support for the work of the Coordinator and called for the continuation of his mandate. Many Council members (Pakistan, Germany, Chile,

the United States of America, Guinea and Mexico) noted that the fall of the Government of Iraq presented an auspicious political landscape for the resolution of this humanitarian issue. France and Pakistan also called on the coalition authorities to assist the Coordinator in implementing his mandate.

16. Following the meeting of the Security Council, the President of the Council released a statement to the press calling on all States, organizations and individuals that can support the ongoing investigations to step up their efforts and provide information that could lead to finding the whereabouts of the 605 missing Kuwaitis and other nationals.

17. On 24 April the Coordinator met with the Permanent Representative of Kuwait, Ambassador Mohammad A. Abulhasan. The Coordinator expressed the view that it was a good idea for Kuwait to dispatch a team to Iraq to look for its missing. The Permanent Representative of Kuwait informed the Coordinator that a team had been sent to Basra, and in due course would visit Baghdad to fulfil its mission.

18. On 25 April, the Coordinator met with the Deputy Permanent Representative of the United States, James Cunningham. The Coordinator informed the United States Ambassador about his meeting with a representative of the International Committee of the Red Cross (ICRC) the previous day to urge that organization to intensify its efforts.

19. The Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs held a meeting with members of the Tripartite Commission on 19 May in Kuwait, chaired by Sheikh Salem Sabah al-Salem al-Sabah, Chairman of the Committee. At the meeting, the Tripartite Commission reached agreement on the official procedure for the exhumation and identification of mortal remains.

20. Following the adoption of Security Council resolution 1483 (2003) on 22 May, Council members made reference to the Kuwaiti missing persons issue in their statements. The United States reminded Iraq of its obligations to Kuwait and others who suffered during Saddam Hussein's regime; the United Kingdom requested the Council to consider progress on repatriating Kuwaiti and third-State nationals and Kuwaiti archives.

21. On 28 May, the Coordinator received an invitation from the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs to visit Kuwait to follow up on issues concerning Kuwaiti prisoners of war.

22. On 1 June, the Tripartite Commission held its 25th meeting at the ICRC office in Baghdad. Representatives of Kuwait, Saudi Arabia, France, the United Kingdom, the United States and the Coalition Provisional Authority representing Iraq attended the meeting under the auspices of ICRC. At the meeting, the mandate of the Technical Subcommittee was extended by six months and the official procedure for the exhumation and identification of mortal remains was adopted.

23. The case of the missing or captured American, Captain Michael Scott Speicher, was addressed by the United States at the Tripartite Commission meeting. Efforts to determine Captain Speicher's fate and whereabouts continue.[1]

24. On 8 June, the Deputy Premier and Minister for State and Cabinet Affairs of Kuwait, Mohammed al-Sharah, confirmed the identity of the remains of one Kuwaiti prisoner of war found in the mass grave at Samawa. The remains were found to be those

[1] For further information on Captain Speicher, please refer to *The New York Times*, 8 April 2003.

of one Saad Mishal Aswad al-Anizi. The DNA confirmation represented the first forensic evidence discovered regarding a missing Kuwaiti prisoner of war.

25. On 10 June, the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs said that the Committee would inform the families of 149 prisoners of war whose names were on a list given by the Iraqi delegation at the meetings of the Tripartite Commission and the Technical Subcommittee held in Baghdad. Meetings of the Technical Subcommittee were held from 2 to 5 June in Baghdad.

26. The remains of a second Kuwaiti were identified on 14 June as those of one Ahmed Abdullah Abdul Rasooul al-Qalaaf, a Kuwaiti soldier, who had reportedly been taken prisoner by Iraqi forces three months after the occupation of Kuwait.

27. On 16 June, the Coordinator briefed the Security Council on the return of all Kuwaiti property and archives. Regarding the missing persons issue, he informed the Council that some progress had been made, as the mortal remains of some prisoners had been recovered from the mass grave at Samawa; the remains of one Kuwaiti had been positively identified and his family informed. The Coordinator stressed that additional efforts would have to be made by Kuwaitis in identifying their missing persons.

28. On 16 June, the Coordinator met with the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs at the Kuwaiti Mission in New York. The Chairman noted the excellent cooperation by the United States on the ground to resolve the missing persons issue.

29. On 19 June, the Coordinator travelled to Washington, D.C., to meet with the Deputy Assistant Secretary of State for the Near East Bureau, Phillo Dibble, as well as Adrian Cronauer and John Unangst of the Department of Defense's Office on United States Prisoners of War and Missing in Action. They briefed the Coordinator on the status of Captain Speicher, and pledged to continue to work on his file.

30. During a meeting with the Coordinator on 2 July, the Permanent Representative of Kuwait informed him that the remains of a third Kuwaiti had been identified through DNA testing and that Kuwaitis were now resigned to believe that all Kuwaitis who were listed as missing were probably dead. The Permanent Representative also informed the Coordinator that the Government of Kuwait had established a new task force to intensify the recovery of the remains of Kuwaiti missing persons.

31. In a letter dated 14 July, the Permanent Representative of Kuwait informed the Coordinator about the 43rd meeting of the Technical Subcommittee of the Tripartite Commission under the auspices of ICRC in Kuwait on 6 July. At the meeting, the Iraqi delegation informed participants of three new sites that had been discovered containing the remains of Kuwaiti prisoners of war. The Permanent Representative of Kuwait informed the Coordinator that the Kuwaiti authorities were in the process of examining samples taken from the remains to determine their identity.

32. In a letter dated 30 July, the Chargé d'affaires of the Permanent Mission of Kuwait updated the Coordinator on the list of Kuwaitis (and one third-country national) identified by Kuwaiti authorities. These include: Saad Meshal al-Enezi, Ahmed Abdullah al-Ghallaf, Saleh Ali al-Hayani, Enam al-Edan, Naser al-Enezi, Abdullatif al-Wahab, Mahmoud Sayed Reda, Faihan Mohammad al-Mutairi, Nasser Sherif al-Kaldhi, Jassem Hamid Abdallah al-Samak and Daad Omar al-Hariri (a Lebanese national).

33. On 2 August, the Coordinator travelled to Kuwait, where he was received by the Prime Minister, Sheikh Sabah al-Ahmad al-Jaber al-Sabah, with Mohammad A. Abulhasan, now Information Minister of Kuwait, in attendance. The Prime Minister conveyed his wish for stability in Iraq and for progress on the issues of missing Kuwaiti nationals and property and thanked the Coordinator for his activities. The Coordinator assured him that he would continue to make every effort to resolve this issue.

34. On the same day, the Coordinator met with the Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al-Salem al-Sabah, to discuss recent developments in Iraq. The Minister and the Coordinator agreed that it would be within the mandate of the Coordinator to meet with officials of the former Iraqi regime to collect information on missing Kuwaitis.

35. Later that day, the Coordinator met with the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, who expressed his appreciation for the cooperation that the Committee had received from the Coalition Provisional Authority and Iraqi officials appointed by the Authority in determining the fate of missing persons and prisoners of war. The Deputy Chairman praised the cooperation of those who had participated in the Technical Subcommittee meetings held in Jordan at the beginning of the year.

IV. Observations

36. While the discovery of mass graves in Iraq and the subsequent identification of remains, including those of Kuwaiti missing persons, have brought a sense of closure for the family members, it has also brought to light the atrocities perpetrated by the previous Iraqi regime.

37. I would like to take this opportunity to extend my heartfelt condolences to the families of Kuwaiti and third-country nationals who suffered more than 12 years of uncertainty, and hope that all files will be resolved in the months to come through continuing collaboration between Kuwaiti officials and coalition authorities to recover and identify the remains.

38. The Tripartite Commission, the principal mechanism for resolving the Kuwaiti missing persons issue, recently formulated procedures to exhume and identify the mortal remains of missing Kuwaitis at its Technical Subcommittee meeting. I believe these efforts should intensify so as to resolve Kuwait's long-standing humanitarian concerns.

39. I would strongly encourage continuing collaboration between Iraq and Kuwait within the framework of the Tripartite Commission and ICRC. In the light of the ongoing progress on this issue, the Security Council may wish to consider bringing the Coordinator's mandate to a close when the next report on the repatriation and return of all Kuwaiti and third-country nationals or their remains, and on the return of all Kuwaiti property, including archives, seized by Iraq, is submitted in December.

United Nations S/2003/814

Security Council

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Letter dated 13 August 2003 from the Permanent Representative of Mozambique to the United Nations addressed to the President of the Security Council

On the eve of the Security Council consultations on Burundi, I should like to take this opportunity to bring to the attention of the members of the Council the evolution of the peace process in that country and to provide an update on the status of deployment of the African Mission in Burundi in the context of the efforts of the African Union to bring about peace in Burundi.

The signing of the Ceasefire Agreements on 7 October and 2 December 2002, respectively, between the Transitional Government of Burundi, on the one hand, the CNDD/FDD of Jean Bosco Ndayikengurukiye, the PALIPEHUTU/FNL of Alain Mugabarabona and CNDD/FDD of Pierre Nkurunziza, on the other, opened a new chapter in the peace process in Burundi. The provisions for the deployment of an African mission to oversee the implementation of the Ceasefire Agreements, as well as for the establishment of a joint ceasefire commission and joint liaison teams, were also important steps in the right direction.

As part of the efforts to consolidate those achievements and to create conditions conducive to the implementation of the ceasefire and deployment of the African Mission in Burundi, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, meeting at its 88th ordinary session at the ambassadorial level, on 14 January 2003, authorized the deployment of a group of African Union observers to, among other things, facilitate communication between the parties and to carry out any other tasks as might be agreed with the parties to create and consolidate confidence among them. Forty-three military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia have since been deployed.

Subsequently, the Central Organ, at its 7th ordinary session at the summit level and 91st ordinary session at the ambassadorial level, held in Addis Ababa, on 3 February and 2 April 2003, respectively, authorized the deployment of the African Mission in Burundi for an initial and renewable period of one year, pending the deployment of a United Nations peacekeeping mission. The Mission's objectives are, among other things, to oversee the implementation of the Ceasefire Agreements of 7 October and 2 December 2002, to lend support to the disarmament and demobilization initiatives, to provide advice on the reintegration of combatants, to create conditions conducive to the establishment of a United Nations peacekeeping mission and to contribute to the political and economic stability in Burundi.

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The size of the African Mission is about 3,500 troops, contributed by South Africa (the lead nation), Ethiopia and Mozambique. The budget estimate for the one-year operation is some $190 million.

More than four months after the mandate for the Mission was given by the Central Organ, one third of the force strength has now been deployed. Furthermore, the process of cantonment of the combatants of the armed movements of the CNDD-FDD of Jean Bosco Ndayikengurukiye and the PALIPEHUTU-FNL of Alain Mugabarabona has started. So far, more than 170 combatants from those two armed movements have been cantoned in the first cantonment site opened in the Muyange area, in the province of Bubanza, in the south-west of Burundi.

At this critical juncture, I should like to inform you that, in spite of the repeated appeals for assistance made by the African Union, the African Mission in Burundi is faced with serious financial and logistical constraints, which, if not urgently addressed, have the potential to undermine both the effectiveness of the Mission and the prospects for achieving lasting peace in Burundi.

It is precisely because of these constraints that Ethiopia and Mozambique, the other troop-contributing nations, have so far been unable to deploy the bulk of their troops. Similarly, the cantonment process has had to be temporarily halted.

The completion of the deployment of the African Mission and its effective functioning will offer a unique opportunity to achieve durable peace and national reconciliation in Burundi. In that regard, a greater demonstration of the tangible commitment of the international community is all the more urgent.

You may also wish to note that the recently concluded Regional Consultative Summit on Burundi, held in Dar es Salaam on 20 July 2003, as well as the subsequent visit to Bujumbura of a delegation from the Nkurunziza wing of the CNDD-FDD to discuss issues related to its participation in the work of the Joint Ceasefire Commission are encouraging signs as regards the prospects of peace in Burundi.

It would be a tragedy if the international community were to miss this window of opportunity in Burundi and thereby run the risk of facing a more complex situation for which the costs would be far greater than those required today for the deployment of the African Mission in Burundi.

During the session in Maputo of the Executive Council of the African Union, serious concerns were expressed over the grossly inadequate financial and logistical resources, which had considerably hampered the deployment of the African Mission. At the end of its deliberations, the Council, among other things, reiterated the Union's urgent appeal to member States, the United Nations and the wider international community to provide the financial and logistical support for the deployment and operationalization of the African Mission in Burundi in order to consolidate the progress achieved in the peace process in that country.

It is fervently hoped that the Security Council and the United Nations as a whole, which have invested so much in the search of lasting peace in Burundi and the Great Lakes region in general, will bring their collective weight to bear in favour of this African initiative, which is being undertaken on behalf of the international community, and ensure that the required resources are mobilized.

In this respect, I should like to put on record the appreciation of the African Union for the adoption of the presidential statement of 18 December 2002 (S/PRST/2002/40) in which the Security Council, among other things, expressed its intention to support the immediate and full implementation of the Ceasefire Agreements.

I would be grateful if the present letter could be brought to the attention of the members of the Security Council during the consultations on Burundi and circulated as a document of the Council.

(*Signed*) Filipe **Chidumo**
Ambassador
Permanent Representative of the Republic of Mozambique
Representative of the Chairman of the African Union

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Letter dated 14 August 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

Upon the instructions of my Government, I have the honour to request that an urgent meeting of the Security Council be convened to consider the latest developments in Kosovo and Metohija, especially the terrorist attack that took place in the village of Goraždevac in the Peć region on 13 August 2003. In that attack, two Serb children were killed and a number of others seriously wounded by an unknown gunman who opened fire on them while they were swimming in the river. Also, in another attack on an innocent civilian on 11 August 2003, Dragan Tonić, from a village near Lipljane, was shot in the head while fishing.

These terrorist acts were perpetrated at the time when the new Special Representative of the Secretary-General arrived to Kosovo and Metohija. They are clearly aimed at further destabilizing the situation in the Province and represent a serious challenge to the authority of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR), which, in the view of my Government, requires an appropriate action by the Security Council.

I should be grateful if you could circulate the present letter among the members of the Security Council.

(*Signed*) Katarina **Lalić Smajević**
Chargé d'affaires a.i.

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